

DEPARTMENT OF SOCIAL SERVICES

1 P Street, M.S. 19-31
Sacramento, CA 95814
(916) 445-9124



November 4, 1983

ALL-COUNTY INFORMATION NOTICE I- 120-83

TO: All Public Adoption Agencies
All County Probation Departments
All County Clerks

SUBJECT: Provisions of SB 697 (Chapter 477, Statutes of 1983) Stepparent Adoptions

REFERENCE:

This notice is to inform you of changes in procedures which apply only to stepparent adoptions and a provision for a stepparent adoption fee, both resulting from enactment of SB 697 (Chapter 477, Statutes of 1983). As a result of these changes, it will no longer be necessary for county clerks to forward any documents on stepparent adoptions to the Department. All agency record keeping and maintenance of controls on stepparent adoptions will be the responsibility of the county welfare or probation department.

Effective January 1, 1984, the bill changes the following procedures:

1. Deletes the requirement that the county clerk inform the Department of Social Services of the pendency of action or subsequent actions in a stepparent adoption, where the natural or adoptive parent retains custody and control of the child.
2. Deletes the requirement that the county clerk file a certified copy of the consent to a stepparent adoption with the Department of Social Services.
3. Deletes the requirement that the consent to stepparent adoption be on a form described by the Department of Social Services.
4. Adds a requirement that the county clerk immediately notify the probation officer or, at the option of the Board of Supervisors, the county welfare department of the same county, of the filing of the consent to a stepparent adoption.
5. Adds a provision establishing the liability of a stepparent adopting a child for all reasonable costs incurred by the investigation required by Civil Code Section 227a up to a maximum of \$100.00. The fee, which is paid to the county welfare department or probation officer for these investigative costs, may be deferred, waived or reduced when such a payment would cause economic hardship to the adoptive parent which would be detrimental to the welfare of the child to be adopted.

For your information, a copy of the chaptered version of the bill is attached.

If you have any questions regarding this notice, please contact the Adoptions Policy Unit at (916) 445-9124.



LOREN D. SUTER
Deputy Director
Adult and Family Services Division

Attachment

cc: CWDA

Senate Bill No. 697

CHAPTER 477

An act to amend Sections 226 and 226.9 of, and to add Section 227.5 to, the Civil Code, relating to adoption.

[Approved by Governor July 27, 1983. Filed with
Secretary of State July 28, 1983.]

LEGISLATIVE COUNSEL'S DIGEST

SB 697, McCorquodale. Adoption.

Existing law prescribes the procedure for the adoption of a child.

This bill would provide that a stepparent adopting a child shall be liable for all reasonable costs incurred by the county in making an investigation required by existing law up to a maximum of \$100, except as specified.

It also would delete the requirement of existing law that the consent to such an adoption shall be on a form prescribed by the State Department of Social Services, and would provide that rather than filing a certified copy of the consent with the department, the court clerk shall notify the probation officer or the county welfare department, as specified. It also would provide that notification of the department of the pendency of an adoption petition, any subsequent action taken, and the date of a final decree of adoption is not required if the petition is by a stepparent, as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 226 of the Civil Code is amended to read:

226. Any person desiring to adopt a child may for that purpose petition the superior court of the county in which the petitioner resides and the clerk of the court shall immediately notify the State Department of Social Services at Sacramento in writing of the pendency of the action, of any subsequent action taken, and of the date on which an interlocutory decree has become a final decree of adoption. The notification shall not be required where the petition is by a stepparent, where one natural or adoptive parent retains his or her custody and control of the child. In all cases in which consent is required, except in the case of an adoption by a stepparent where one natural or adoptive parent retains his or her custody and control of the child, unless an agency licensed by the State Department of Social Services to find homes for children and place children in homes for adoption joins in the petition for adoption, the petition shall contain an allegation that the petitioners will file promptly with the department or the county adoption agency information required by the department in the investigation of the proposed adoption. The omission of the allegation from a petition so filed shall not,

however, affect the jurisdiction of the court to proceed, nor shall it have heretofore affected the jurisdiction of any court to have proceeded, upon the petition omitting the allegation, in any manner provided in this chapter or otherwise, nor shall the omission have affected or affect the validity of any decree of adoption or other order heretofore or hereafter made by any court with respect to a petition omitting the allegation.

The caption of the petition for adoption of a minor shall contain the name or names of the petitioners but shall not contain the name of the minor. The petition shall contain the sex and date of birth of the minor. The name that the minor had prior to adoption shall appear in the petition or, in the case where a licensed adoption agency joins in the petition, the name may appear in the joinder signed by the adoption agency. The decree of adoption shall contain the adopted name of the minor but shall not contain the name that the minor had prior to adoption.

SEC. 2. Section 226.9 of the Civil Code is amended to read:

226.9. Notwithstanding any other provisions of this chapter, in case of an adoption of a child by a stepparent where one natural or adoptive parent retains his or her custody and control of the child, the consent of either or both parents must be signed in the presence of a county clerk, probation officer, or county welfare department staff member of any county of this state and the county clerk, probation officer, or county welfare department staff member before whom the consent is signed shall immediately file the consent with the clerk of the superior court of the county where the petition is filed and the clerk shall immediately notify the probation officer or, at the option of the board of supervisors, the county welfare department of the same county.

If the father or mother of a child to be adopted is outside the State of California at the time of signing consent, his or her consent may be signed before a notary, or other person authorized to perform notarial acts.

The consent, when reciting that the person giving it is entitled to sole custody of the minor child, shall, when duly acknowledged before the county clerk, probation officer, or county welfare department staff member be prima facie evidence of the right of the person making it to the sole custody of the child and that person's sole right to consent.

A parent who is a minor shall have the right to sign a consent for the adoption of his or her child and the consent shall not be subject to revocation by reason of the minority.

SEC. 3. Section 227.5 is added to the Civil Code, to read:

227.5. A stepparent adopting a child pursuant to this chapter shall be liable for all reasonable costs incurred in connection with the investigation required by Section 227a, up to a maximum of one hundred dollars (\$100). The probation officer or county welfare department may defer, waive, or reduce the fee for costs when such

a payment would cause economic hardship to the adoptive parent which would be detrimental to the welfare of the adoptive child.

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